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DISTRICT ATTORNEY

DISTRICT ATTORNEY  
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February 7, 2011

Andrew Lankler, Esq.  
Lankler & Carragher, LLP  
415 Madison Avenue  
New York, NY 10022

Re: Greg Kelly

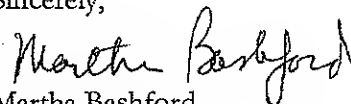
Dear Mr. Lankler:

I write to advise you of the outcome of our investigation involving your client referenced above. On the evening of Tuesday, January 24, 2012, the New York County District Attorney's Office was notified of a sexual assault complaint made to the NYPD regarding an incident that occurred on October 8, 2011. As you know, your client was named as the subject of the complaint.

After discussions with our Office, the NYPD promptly recused itself from this matter, turning the entire investigation over to the District Attorney's Office. I was the Assistant District Attorney assigned to handle it. Over the next two weeks, we conducted a thorough investigation, consistent with what the Sex Crimes Unit does with regularity in similar matters. That investigation included interviewing numerous relevant fact and expert witnesses, and reviewing multiple items of physical evidence, including, but not limited to, receipts, security logs, text messages and telephone records. Among those witnesses were the complainant and your client, both of whom were cooperative and were interviewed in the first days of the investigation.

After reviewing all of the evidence, we have determined that the facts established during our investigation do not fit the definitions of sexual assault crimes under New York criminal law. Therefore, no criminal charges are appropriate.

Sincerely,

  
Martha Bashford  
Chief, Sex Crimes Unit